

08-15-01

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**PATENT APPLICATION**



08/14/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: VEN 001/02

**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR 1.53 for filing a

continuation application.  
 divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/259,155

Filed on: February 26, 1999

Title: PROCESS FOR IDENTIFICATION OF GENES,  
PERTURBAGENS AND CELLULAR TARGETS  
RELATING TO VIRAL GROWTH AND  
DISEASE

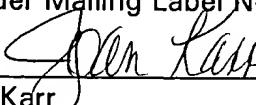
Art Unit: 1655

Examiner: Jeffrey Fredman

Prior Docket No.:

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on August 14, 2001, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL485593991US.

  
\_\_\_\_\_  
Joan Karr

2. This request is filed by:

1. Full Name of Inventor	Family Name Kamb	First Given Name Carl	Second Given Name Alexander
Residence & Citizenship	City Salt Lake City	State or Foreign Country Utah	Country of Citizenship United States of America
Post Office Address	Post Office Address 696 Donner Hill Circle	City Salt Lake City	State & Zip Code/Country Utah 84108 United States of America
1. Full Name of Inventor	Family Name Portiz	First Given Name Mark	Second Given Name Aaron
Residence & Citizenship	City Salt Lake City	State or Foreign Country Utah	Country of Citizenship United States of America
Post Office Address	Post Office Address 373 North "H" Street	City Salt Lake City	State & Zip Code/Country Utah 84103 United States of America

This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. Amendments

Amend the specification by inserting before the first line the sentence:

This is a Continued Prosecution Application (CPA) of U.S.  
application Serial No. 09/259,155, filed February 26, 1999.

Cancel claims in the prior application before calculating the filing fee.

A Preliminary Amendment is enclosed.

The filing fee is based upon entry of the foregoing amendment(s) (if any).

Pending claims (as amended on November 10, 2000).

**4. Copy of Prior Application**

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

**5. Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**6. Priority**

Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.

The certified copy(ies) was(were) filed in prior U.S. application Serial No. \_\_\_\_\_.

The certified copy(ies) has(have) not been filed.

**7. Assignment**

The prior application is assigned of record to Arcaris, Inc., and has been recorded at Reel No. 010241, Frame No. 0755.

**8. Small Entity Status**

Applicant claims small entity status. See 37 CFR 1.27.

A small entity statement is(are) attached.

#### 9. Application to Be Published

Yes.

No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

#### 10. Fee Calculation

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	Fee	Rate	Fee
BASIC FEE				\$355.00		\$71 0.00
TOTAL	10 -20	0 =	X 9 =	\$0	X 18 =	\$
INDEP.	3 - 3	0 =	X 40 =	\$ 0	X 80 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$0	+ 270 =	\$
Fee:				Filing \$355.00	OR	\$

#### 11. Method of Payment of Fees

Attached is a check in the amount of: \$

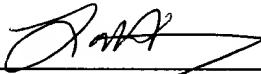
Charge Deposit Account No. 501015 in the amount of: \$355.00  
A copy of this Transmittal is enclosed.

**12. Deposit Account and Refund Authorization**

- The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 501015. A copy of this Transmittal is enclosed.
- Please refund any overpayment to account number 501015.

**13. Correspondence Address**

James F. Haley, Jr., Esq.  
Reg. No. 27,794  
Fish & Neave  
1251 Avenue of the Americas  
New York, New York 10020-1104  
(212) 596-9000 - telephone  
(212) 596-9090 - facsimile

By:   
Laura A. Handley  
Registration No. 39,704

August 14, 2001

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors: Carl Alexander Kamb, et al.

Serial No: 09/259,155

Filed: February 26, 1999

For: PROCESS FOR IDENTIFICATION  
OF GENES, PERTURBAGENS  
AND CELLULAR TARGETS  
RELATING TO VIRAL GROWTH  
AND DISEASE

Group Art Unit: 1655  
Examiner: Fredman, J.

## Certificate of Mailing/Transmission( 37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

### MAILING

[ X ] deposited with the United States Postal Service as Express Mail # EL485593991US on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

### FACSIMILE

[ ] transmitted by facsimile to the Patent and Trademark Office

Date: August 14, 2001

Type or Print Name of Person Mailing: Joan Karr

*Joan Karr*

Signature of Person Mailing

## RESPONSE TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

In response to the Office Action mailed on February 15, 2001, enclosed herewith for filing are the following:

Response to Restriction Requirement Under 37 U.S.C. § 121.  
 Preliminary Amendment Under 37 C.F.R. § 1.115.  
 Amendment and Response Under 37 C.F.R. § 1.111.  
 Revocation of Power of Attorney and Appointment of New Attorney  
 Amendment after Final Action Under 37 C.F.R. § 1.116  
 X Request for Extension of Time to File Response Under 37 C.F.R. § 1.136(a).  
 X The Commissioner is hereby authorized to charge Deposit Account No. 501015 in the amount of \$455.00, calculated as follows:

\$55.00/\$110.00 for response within first month.  
 \$195.00/\$390.00 for response within second month.  
 X \$455.00/\$890.00 for response within third month.  
 \$695.00/\$1,390.00 for response within fourth month.  
 Fee for additional claims (see below for calculation).

X

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. Sections 1.16-1.17 or to credit any overpayment, to Deposit Account No. 501015. This sheet is filed in duplicate.

### Fee-Calculation

Claims:

				Small Entity		OTHER	
Basic Fee	Current Claims	Highest Previous		Rate	Fee	Rate	Fee
Basic Fee					\$355.00		
Total Claims	-		=	x 9	\$		\$710
Indep. Claims	-		=	x 39	\$	x 18	\$
Multiple Dependent Claim(s)				+ 130	\$	x 78	
				TOTAL	\$	+ 260	\$
						TOTAL	\$

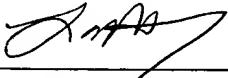
Please address all TELEPHONIC communication to Laura A. Handley, the undersigned attorney of Arcaris, Inc., at (801) 303-0304.

Please address all WRITTEN correspondence regarding this communication to the following address:

Barbara A. Ruskin  
Fish & Neave  
1251 Avenue of the Americas  
New York, New York 10020  
(212) 596-9000

Date: August 14, 2001

Respectfully submitted,

By:   
Laura A. Handley  
Registration No. 39,704

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